IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

Crl.Rev.Pet.No. 3418 of 2007()

CC.316/2004 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, PARAPPANANGADI

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REVN. PETITIONER: ACCUCSED

HANEEFA, S/O.KUNHI MOHAMED, INGAPPANTE PURAKKAL, EDAKKADAPURAM, TANUR, TIRUR TALUK.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS: COMPLAINANT.

THE STATE OF KERALA,
REPRESENTED BY THE STATION HOUSE OFFICER,
TANUR POLICE STATION, TANUR THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 26/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Crl. R.P. No. 3418 OF 2007

Dated this the 26th day of September, 2007

O R D E R

Heard the learned counsel for the revision petitioner and the learned Public Prosecutor.

2. The petitioner is the accused in C.C.No.316/04 on the file of the JFCM-I, Parappanangadi for offences punishable under sections 447, 323 and 324 IPC. There is a counter case also arising from the same occurrence. On 2.8.07 when the case was called before the Magistrate the petitioner was absent. Since there was no representation also on behalf of the revision petitioner, the learned Magistrate issued non-bailable warrants to the accused and notice to sureties and cancelled the bail bond and posted the case to 12.9.07 from which date the matter stands adjourned to another date. The grievance of the revision petitioner is that his counsel noted a wrong date on account of which no representation happened to be made on 2.8.07 resulting in the aforementioned consequences. The learned counsel for

the revision petitioner would submit that the revision petitioner is abroad and the case is not yet ripe for trial and prayed for an opportunity to have the bail extended on the very same bail bond and with the very same sureties with an opportunity to the petitioner to make a representation through his counsel for his absence before court. I see no reason why the said request should not be entertained. Accordingly, the order dated 2.8.07 is set aside and the revision petitioner/accused will stand enlarged on bail on the very same bail bond with the very same sureties. He shall make appropriate representations for his absence on the next posting dates till the commencement of trial.

This revision is disposed of as above.

(V. RAMKUMAR, JUDGE)

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